

Trial in Municipal Court

TO: Defendants in Municipal Court traffic infraction cases:

You have a right to enter a plea of, “not guilty” and ask for a trial on your traffic infraction.

A “not guilty” plea is a denial of the officer’s claim against you. But, a “not guilty” plea IS NOT an explanation for what happened, or an excuse for what happened. Instead, you are denying all or part of the officer’s claim against you.

For example, if you received a speeding ticket, and you agree that you were going over the speed limit, but you have an explanation for why you were speeding, then you would enter a guilty plea, WITH AN EXPLANATION; or, you are cited for Driving While Suspended, but didn’t know you were suspended, the fact that you didn’t know is not justification for the citation to be dismissed. You would not need a trial for either of these examples.

At the trial, it is the Police Officer’s job to first present his or her evidence. The Judge would conduct the trial in the following order of events:

1. Officer’s testimony;
2. Defendant’s questioning of the officer (cross examination);
3. Officer’s witnesses (if any) would testify;
4. Defendant questions Officer’s witnesses.
5. Defendant’s witnesses (if any) testify;
6. Officer questions defendant’s witnesses.
7. Defendant testifies (if you so choose. You do not have to testify);
8. Officer questions the Defendant;
9. Officer gives any rebuttal testimony;
10. Officer’s closing argument;
11. Defendant’s closing argument;
12. Judge’s decision.

If the Judge decides the Officer has proven the City’s case, by a preponderance of evidence and enters a finding of guilty, then the court imposes a fine. The fine can range from the minimum fine (the “bail” amount) up to a maximum fine, set by the Legislature. The Judge may likely impose an additional TRIAL COST of \$50.00, payable by the defendant.

If the Judge finds the Officer did not prove the City’s case, the Judge enters a finding of Not Guilty and dismisses the ticket. Any posted bail will be refunded to the person posting the bail.

If you decide you DO NOT want a trial, tell or call the Court Clerk as soon as possible. You can still make an appointment to see the Judge to give an explanation.

If you intend to call a witness(es) you MUST advise the officer, in writing, indicating the name, address, and date of birth of the witness(es) and also provide the officer with any written statement of the witness(es). Send this information to the officer, c/o Tillamook Police Department, 207 Madrona, Tillamook, OR 97141, no less than ten (10) days before the trial.

Otherwise, if you have a trial date set, you will NEED TO BE READY FOR THE TRIAL THAT DAY. The Judge will not likely give you additional time to be ready.